

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KRISTINA GARCIA,

Plaintiff,

CASE NO.: 2:19-cv-11673

v.

Hon. Judge Linda v. Parker

BEAUMONT HEALTH and

Magistrate Judge David Grand

RACHEL LUCA,

Defendants.

Lisa C. Ward (P38933)
Veronica Stachurski (P85110)
Attorneys for Plaintiff
Law Office of Lisa C. Ward, PLLC
4131 Okemos Rd., Ste. 12
Okemos, MI 48864
(517) 347-8100
lisacwardlaw@gmail.com
atty.stachurski@gmail.com

Eric J. Pelton (P40635)
Shannon V. Loverich (P53877)
Attorneys for Def. Beaumont Health
Kienbaum Hardy Viviano
Pelton & Forrest, PLC
280 N. Old Woodward Ave., Ste. 400
Birmingham, MI 48009
(248) 645-0000
epelton@khvpf.com
sloverich@khvpf.com

REPLY IN SUPPORT OF PLAINTIFF'S MOTION TO STRIKE
DEFENDANT BEAUMONT HEALTH'S RESPONSE TO PLAINTIFF'S
REVISED MOTION FOR DEFAULT JUDGMENT
AGAINST DEFENDANT LUCA

Plaintiff, by and through her Attorneys, hereby submits her Reply in support of her Motion To Strike Defendant Beaumont Health's Response

To Plaintiff's Revised Motion For Default Judgment Against Defendant Luca, which was filed on November 24, 2021. (ECF No. 93).

On November 30, 2021, Defendant Beaumont Health filed a Response To Plaintiff's Motion To Strike Defendant Beaumont Health's Response To Plaintiff's Revised Motion For Default Judgment Against Defendant Luca. (ECF No. 97). In its Response, Defendant Beaumont Health takes the position that it is still a party in the case pending before this Court based on Fed. R. Civ. P. 54(b) and its erroneous reading of this Court's October 25, 2021 Opinion And Order Granting Defendant Beaumont Health's Motion For Summary Judgment. (ECF No. 86).

In the October 25, 2021 Opinion And Order Granting Defendant Beaumont Health's Motion For Summary Judgment, this Court stated: "IT IS ORDERED that Defendant Beaumont Health's Motion for Summary Judgment (ECF No. 72) is GRANTED and it is terminated as a party to this action." Id. at PageID.1550. As this Court is well aware, a court speaks through its orders. *Omnipoint Holdings, Inc. v. City of Southfield*, 355 F.3d 601, 606 (6th Cir. 2004); *Williamson v. Recovery Ltd. P'ship*, Dkt. Nos. 09-4253 & 09-4255, at *20 (6th Cir. 2012) (Exhibit 1). Nothing in Fed. R. Civ. P. 54 modifies this Court's October 25, 2021 Order because Fed. R. Civ. P. 54 addresses when a judgment is entered for purposes of an appeal of

right.¹ Thus, this Court dismissed Defendant Beaumont Health from this case on October 25, 2021. Finally, Defendant Beaumont Health's contention that entry of default against Defendant Luca will be misused by Plaintiff is based on pure speculation and without merit.

WHEREFORE, for the reasons set forth above and in Plaintiff's Motion To Strike Defendant Beaumont Health's Response To Plaintiff's Revised Motion For Default Judgment Against Defendant Luca, this Court should grant Plaintiff's motion.

Respectfully submitted,

Dated:

/s/ Lisa C. Ward
Lisa C. Ward (P38933)
Attorney For Plaintiff
Law Offices of Lisa C. Ward, PLLC
4131 Okemos Road, Suite 12
Okemos, Michigan 48864
(517) 347-8100
lisacwardlaw@gmail.com

¹ In addition, Defendant Beaumont Health's assertion that it is still a party in this case is directly contrary to the statement it made when it submitted its Bill of Costs. (ECF No. 90).

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION**

KRISTINA GARCIA,

Plaintiff,

Case No.: 19-cv-11673

v.

**BEAUMONT HEALTH and
RACHEL LUCA,**

Defendants.

Lisa C. Ward (P38933)
Veronica L. Stachurski (P85110)
Attorneys for Plaintiff
Law Offices of Lisa C. Ward, PLLC
4131 Okemos, Rd. Ste.12
Okemos, MI 48864
(517) 347-8100
lisacwardlaw@gmail.com

Eric Pelton (P40635)
Shannon Loverich (P53877)
Attorneys for Defendants
Kienbaum Hardy Viviano
Pelton & Forest, PLC
280 N. Old Woodward Ave.,
Ste. 400
Birmingham, MI 48009
(248) 645-0000
(248) 645-1385
epelton@khvpf.com
sloverich@khvpf.com

PROOF OF SERVICE

I, Marina Garcia, hereby certify that I served a copy of Plaintiff's Reply In Support of Plaintiff's Motion to Strike Defendant Beaumont Health's Response to Plaintiff's Revised Motion for Default Judgment Against Defendant Luca, via the CM/ECF filing system, which gives notice to all parties.

Dated: December 3, 2021

/s/ Marina Garcia
Marina Garcia
Legal Assistant